

**REMARKS**

By this Amendment, claims 21-25 have been newly added. No claims have been cancelled. Support for the new claims may be found throughout the as-filed specification. No new matter has been added. Accordingly, claims 1-5 and 21-25 are pending in this application, of which claims 21-25 are withdrawn. Reconsideration and allowance of the present application based on the following remarks are requested.

Applicant submits that claim 1 is generic of at least one or more claims in this application. Therefore, upon allowance of claim 1, Applicant respectfully requests rejoinder and allowance of claims 21-25, which claims include all the limitations of an allowable claim. See MPEP, §821.04. Specifically, claim 21 recites the vibration isolation system of claim 1 plus some additional apparatus. Accordingly, if claim 1 is allowable, claim 21 should equally be allowable.

Applicant has not yet received acknowledgement of the Information Disclosure Statement (IDS) filed with the U.S. Patent Office on October 13, 2006. MPEP § 609 that provides: "Once the minimum requirements of 37 CFR 1.97 and 37 CFR 1.98 are met [i.e., the filing of an IDS], the examiner has an obligation to consider the information." Accordingly, Applicant kindly requests return of an initialed copy of the attached PTO-1449 form filed with the U.S. Patent Office on October 13, 2006, a copy of which is enclosed along with a copy of the stamped receipt therefor.

Claims 1-5 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by paragraphs [0043] and [0044] of Applicant's specification. Applicant traverses this rejection for at least the following reasons.

Applicant submits that paragraphs [0043] and [0044] of Applicant's specification fail to teach or disclose a vibration isolation system for at least partially damping and isolating vibrations of a body, the system comprising: a plurality of active isolator devices mechanically coupled to the body; and a control system configured to control the active isolator devices, wherein the control system is configured to: decouple vibrations in modal directions; determine a

modal compensation signal for each modal direction; recouple each modal compensation signal into an active isolator control signal for each active isolator device; and stabilize at least one unstable natural mode of the body, as recited in claim 1.

First, Applicant submits that the Office Action has failed to establish that “the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States” as provided by 35 U.S.C. § 102(b). Notwithstanding that the Office Action has failed to provide a patent or printed publication (other than Applicant’s own disclosure, which Applicant submits does not qualify), Applicant submits that the Office Action has not established that the invention was necessarily publicly used or on sale in this country, much less that it was publicly used or on sale more than one year prior to the date of application.

To the extent that reliance under § 102(a) might have been intended, Applicant submits that the Office Action has failed to provide any evidence or basis in fact that “the invention was known or used by others in this country.” (emphasis added). Prior knowledge or use which is not present in the United States, even if widespread in a foreign country, cannot be the basis of a rejection under 35 U.S.C. § 102(a). *In re Ekenstam*, 256 F.2d 321, 118 USPQ 349 (CCPA 1958).

Second, Applicant submits that the Office Action has failed to establish that the active vibration isolation system discussed in paragraphs [0043] and [0044] of Applicant’s specification necessarily employed a modal decoupling technique. Paragraph [0044] of Applicant’s specification merely states that:

A known active vibration isolation system comprises active isolation devices and a control system to control the active isolation devices. Such an active isolation system, in particular the control system thereof, *may be* configured to employ a modal decoupling technique.

(emphasis added).

Applicant did not necessarily admit that a “known” active vibration isolation system employs a modal decoupling technique. Rather, Applicant merely stated that such a system may be configured to employ a modal decoupling technique, such as further described in the application. Applicant submits that just because a particular element might have been previously known,

which may be configured in a certain manner to perform a function, it does not follow that that configuration necessarily was also “known.” Rather, this paragraph appears at most merely to disclose that an active vibration isolation system is known, but that application of a modal decoupling technique as further described in the application to such a system is new.

However, even assuming, *arguendo*, that an active vibration isolation system configured to employ a modal decoupling technique may have been “known” (which Applicant does not concede for at least the reasons discussed above), the Office Action has failed to establish how paragraphs [0043] and [0044] of Applicant’s specification teach or disclose a control system configured to: determine a modal compensation signal for each modal direction; recouple each modal compensation signal into an active isolator control signal for each active isolator device; and stabilize at least one unstable natural mode of the body, as recited in claim 1. For example, paragraphs [0043] and [0044] of Applicant’s specification make no mention or suggestion of a control system having all the features claimed. Indeed, to anticipated a claim, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Therefore, Applicant respectfully submits that anticipation of claims 1-5 has not been established. Thus, Applicant requests that the rejections of claims 1-5 under 35 U.S.C. § 102(b) in view of paragraphs [0043] and [0044] of Applicant’s specification be withdrawn and the claims be allowed.

New claims 21-25 recite similar features as claims 1-5 and are, therefore, patentable for similar reasons as provided above related to claims 1-5, and for the further features they recite individually. For example, Applicant submits that paragraphs [0043] and [0044] of Applicant’s specification fail to teach or disclose a lithographic apparatus, comprising, *inter alia*, a vibration isolation system for at least partially damping and isolating vibrations of the projection system, the system comprising: a plurality of active isolator devices mechanically coupled to the projection system and a control system configured to control the active isolator devices, wherein the control system is configured to: decouple vibrations in modal directions; determine a modal compensation signal for each modal direction; recouple each modal compensation signal into an active isolator control signal for each active isolator device; and stabilize at least one unstable natural mode of the projection system, as recited in claim 21. For similar reasons as discussed

above, paragraphs [0043] and [0044] of Applicant's specification make no mention or suggestion of the claimed control system.

**CONCLUSION**

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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Enclosure: Copy of IDS filed October 13, 2006

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| Appln. No: 10/822,139  | Atty: Jean-Paul G. Hoffman/Eric<br>Compton/Lazof |
| First Inventor: MARCEL FRANCOIS<br>HEERTJES  | Date: October 13, 2006                           |
| Title: VIBRATION ISOLATION SYSTEM,<br>VIBRATION ISOLATION METHOD,<br>LITHOGRAPHIC APPARATUS AND DEVICE<br>MANUFACTURING METHOD | Attorney Docket No: 081468-0309161               |

**ENCLOSED:**

- ☒ Response/Amendment
- ☒ Amd/Resp Transmittal
- ☒ PTO Form-1449
- ☒ Information Disclosure Statement
- ☒ Cited Document (1)

\$ 180.00 Total Fee Charged to Deposit Account

CURRENT DUE DATE: October 31, 2006

